

THE LISMORE PARISH CENTRE PRESCHOOL  
CONSTITUTION ORDINANCE 1989.

ORDINANCE NO. 18 OF 1989.

AN ORDINANCE to provide for the constitution of the Lismore Parish Centre Preschool and matters incidental thereto.

PREAMBLE

WHEREAS there has been conducted since 1976 by the Parish of Lismore within the Diocese of Grafton a community based preschool known as the Lismore Parish Centre Preschool; (hereinafter referred to as the Preschool).

AND WHEREAS it is desirable that a Constitution be provided for the good government and management of the said Preschool and that the Management Committee of the said Preschool be constituted;

AND WHEREAS by the provisions of the Anglican Church of Australia (Bodies Corporate) Act and the Bodies Corporate (Delegation of Powers) Ordinance 1988 the Bishop-in-Council is empowered during the recess of Synod to exercise certain powers and such recess now exists;

THEREFORE the Bishop-in-Council in pursuance of such powers and in the name of Synod hereby ordains declares directs and rules as follows:-

CONSTITUTION OF COMMITTEE OF MANAGEMENT OF THE PRESCHOOL

1. It is expedient for the purpose of managing, governing and controlling the said Preschool that the persons who are named in the First Schedule shall be for the time being the members of the Lismore Parish Centre Preschool Management Committee.

TERMS OF OFFICE OF MEMBERS OF BOARD

2. The terms of office of the said members shall be as indicated in the First Schedule hereunder.

CONSTITUTION OF THE PRESCHOOL

3. The affairs of the said Preschool shall be conducted in accordance with the Constitution contained in the Second Schedule hereunder.

SHORT TITLE

4. This Ordinance may be cited as the Lismore Parish Centre Preschool Constitution Ordinance 1989.
5. This Ordinance shall come into effect upon receiving the assent of the Bishop.

LISMORE PARISH CENTRE PRESCHOOL CONSTITUTION ORDINANCE 1989

FIRST SCHEDULE

GREGORY SIBSON EZZY (Rector of Lismore)  
ALLAN PAILLAS  
DAVID SYKES  
DAVID CALLENDER  
NARELLE FOX  
DALE CALLAGHAN  
MARY BELL  
DENISE STEWART  
JENNY ASHWELL

SECOND SCHEDULE

(The Constitution as printed and annexed hereto.)

I hereby certify that the Ordinance as printed is in accordance with the Ordinance as passed.

  
Chairman of Committees

I hereby certify that the Ordinance was passed by Bishop-in-Council on Thursday 16th November 1989.

  
Registrar

I assent to this Ordinance.

  
Bishop

**LISMORE  
PARISH CENTRE  
PRESCHOOL INC.**

**STATEMENT OF  
OBJECTS**

**AND**

**CONSTITUTION**

Lismore Parish Centre Pre-school, Inc.

STATEMENT OF OBJECTS

1. To operate and manage a community-based non-profit Pre-school Centre under the auspices of the Anglican Parish of Lismore;
2. To provide integrated and extended services for children of pre-school age;
3. To provide a program of experiences which will promote the total development and well-being of young children;
4. To undertake fund-raising activities for the purpose of providing funds for additions and/or replacement of equipment;
5. To encourage parent and community involvement as an essential part of the operation of the Lismore Parish Centre Pre-school so they may participate in achieving the objects of the Pre-school.

# CONSTITUTION OF LISMORE PARISH CENTRE PRE-SCHOOL, INC.

## PART I - PRELIMINARY

### Interpretation.

1. (1) In this constitution, except insofar as the context or subject-matter otherwise indicates or requires -

"association" means the Lismore Parish Centre Pre-school, Inc.

"ordinary member" means a member of the committee who is not an office-bearer of the association, as referred to in section 13 (2);

"parent" means a person being a parent or guardian of a child currently attending Lismore Parish Centre Pre-school.

"secretary" means -

(a) the person holding office under this constitution as secretary of the association; or

(b) where no such person holds that office - the public officer of the association;

"special general meeting" means a general meeting of the association other than an annual general meeting;

"the Act" means the Anglican Church (Bodies Corporate) Act, 1937;

"the Rector" means the person exercising the authority and function of Incumbent of the Anglican Parish of Lismore.

"the Parish Council" means the duly constituted Parish Council of the Anglican Parish of Lismore.

- (2) In this constitution -

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

- (3) The provisions of the Interpretation Act, 1897, apply to and in respect of this constitution in the same manner as those provisions would apply if this constitution were an instrument made under the Act.

## PART II - MEMBERSHIP

## Membership qualifications.

2. A person is qualified to be a member of the association if, but only if -

(a) the person is already a member of the association and has not ceased to be a member of the association at any time after the incorporation of the association; or

(b) the person is a natural person who -

(i) is a parent or guardian of a child currently attending the Lismore Parish Centre Pre-school and has applied for membership of the association as provided by section 3; and

(ii) has paid the annual membership fee; or

(c) the person is -

(i) the Rector of Lismore or his nominee

(ii) a person not being a parent who has been appointed by the Parish Council as a member of the committee;

(iii) a member of the community elected by the association as a member of the association.

## Application for membership and registration of members.

3. (1) An application for membership of the association other than under clause 2. (c) -

(a) shall be made by a parent or guardian in writing in the form set out in Appendix 1 to this constitution;

(b) shall cover both parents and/or guardians; and

(c) shall be lodged with the secretary of the association.

(2) The secretary shall, on payment by the parent or guardian of the annual membership fee enter the parents' or guardians' names in the register of members and, upon the names being so entered, they become members of the association.

(3) The secretary shall enter the names of persons appointed as members of the committee by the Parish Council in the register of members, together with the date of their appointment.

Cessation of Membership.

4. A person ceases to be a member of the association if the person -
- (a) dies:
  - (b) resigns that membership:
  - (c) by the date of the annual general meeting does not have a child attending the Pre-school:
  - (d) is expelled from the association: or
  - (e) being an appointee of the Parish Council is not appointed for a further term on the committee.

Membership entitlements not transferable.

5. A right, privilege or obligation which a person has by reason of being a member of the association -
- (a) is not capable of being transferred or transmitted to another person: and
  - (b) terminates upon cessation of the person's membership.

Resignation of membership.

6. (1) A member of the association is not entitled to resign that membership except in accordance with this section.
- (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving notice (being not less than 1 month or not less than such other period as the committee may determine) in writing to the secretary of the member's intention to resign and, upon the expiration of the period of notice, the member ceases to be a member.
- (3) When a member of the association ceases to be a member pursuant to clause (2), and in every other case where a member ceases to hold membership, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

Register of members.

7. (1) The public officer of the association shall establish and maintain a register of members of the association specifying

the name and address of each person who is a member of the association together with the date on which each person became a member.

- (2) The register of members shall be kept at the principal place of administration of the association and shall be open to inspection, free of charge, by any member of the association at any reasonable hour.

Fees, subscriptions, etc.

8. A member of the association shall pay to the association an annual membership fee determined by the annual general meeting.

Members' liabilities.

9. The liability of a member of the association to contribute towards the payments of the debts or liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid in respect of membership of the association as required by section 8.

Disciplining of members.

10. (1) Where the committee is of the opinion that a member of the association -
- (a) has persistently refused or neglected to comply with a provision or provisions of this constitution; or
  - (b) has persistently and wilfully acted in a manner prejudicial to the interests of the association, the committee may, by resolution -
  - (c) expel the member from the association; or
  - (d) suspend the member from membership of the association for a specified period.
- (2) A resolution of the committee under clause (1) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under clause (3), confirms the resolution in accordance with this section.
- (3) Where the committee passes a resolution under clause (1), the secretary shall, as soon as practicable, cause a notice in writing to be served on the member -
- (a) setting out the resolution of the committee and the grounds on which it is based;



- (b) stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
- (c) stating the date, time and place of that meeting; and
- (d) informing the member that the member may do either or both of the following:-
  - (i) attend and speak at that meeting;
  - (ii) submit to the committee at or prior to the date of that meeting written representations relating to the resolution.
- (4) At a meeting of the committee held as referred to in clause (3), the committee shall -
  - (a) give to the member the opportunity to make oral presentations;
  - (b) give due consideration to any written representations submitted to the committee by the member at or prior to the meeting; and
  - (c) by resolution determine whether to confirm or to revoke the resolution.
- (5) Where the committee confirms a resolution under clause (4), the secretary shall, within 7 days of that confirmation, by notice in writing inform the member of the fact and the member's right of appeal under section 11.
- (6) A resolution confirmed by the committee under clause (4) does not take effect -
  - (a) until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal during that period; or
  - (b) where within that period the member exercises the right of appeal, unless and until the association confirms the resolution pursuant to section 11 (4).

Right of appeal of disciplined member.

11. (1) A member may appeal to the association in general meeting against a resolution of the committee which is confirmed under section 10 (4), within 7 days after notice of the resolution

is served on the member, by lodging with the secretary a notice to that effect.

- (2) Upon receipt of a notice from a member under clause (1), the secretary shall notify the committee which shall convene a general meeting of the association to be held within 21 days after the date on which the secretary received the notice.
- (3) At a general meeting of the association convened under clause (2) -
  - (a) no business other than the question of the appeal shall be transacted;
  - (b) the committee and the member shall be given the opportunity to state their respective cases orally or in writing, or both; and
  - (c) the members shall vote by secret ballot on the question of whether the resolution shall be confirmed or revoked.
- (4) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

#### PART III - THE COMMITTEE

Powers, etc., of the committee.

- 12. The committee shall be called the management committee of the association and, subject to this constitution and to any resolution passed by the association in general meeting -
  - (a) shall control and manage the affairs of the association;
  - (b) may exercise all such functions as may be exercised by the association other than those functions that are required by this constitution to be exercised by a general meeting of members of the association; and
  - (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the association.
  - (d) has power to apply to the Bishop-in-Council for the committee of management of the association to be incorporated under the provisions of the Anglican Church (Bodies Corporate) Act.

Constitution and membership.

- 13. (1) The committee shall consist of -

- (a) the President, who shall be the Rector of Lismore or his nominee;
  - (b) 4 members appointed by the Parish Council, at least 2 of whom shall be parents;
  - (c) 4 members who shall be elected at the annual general meeting of the association pursuant to section 14.
- (2) The office-bearers of the association shall be -
- (a) the president;
  - (b) the treasurer;
  - (c) the assistant treasurer;
  - (d) the secretary; and
  - (e) the publicity officer (who may also hold one of the other offices in this clause).
- (3) Each member of the committee shall, subject to this constitution, hold office until the conclusion of the annual general meeting following the date of the member's election, and if an elected member is eligible for re-election.
- (4) In the event of a casual vacancy occurring in the elected membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed shall hold office, subject to this constitution, until the conclusion of the annual general meeting next following the date of the appointment. In the event of a casual vacancy occurring in the appointed membership the Parish Council shall appoint a replacement.

#### Election of members and office bearers.

14. (1) Nominations of candidates for election as ordinary members of the committee -
- (a) shall be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination); and
  - (b) shall be delivered to the secretary of the association not less than 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.

- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee shall be deemed to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed to be elected.
- (5) If the number of nominations exceeds the number of vacancies to be filled, a ballot shall be held.
- (6) The ballot for the election ordinary members of the committee shall be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) The ballot for office-bearers, except the president, shall be conducted at the first meeting of the committee after the annual general meeting.

Secretary.

- 15. (1) The secretary of the association shall, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary to keep minutes of -
  - (a) all appointments of office-bearers and members of the committee;
  - (b) the names of members of the committee present at a committee meeting or a general meeting; and
  - (c) all proceedings at committee meetings and general meetings.
- (3) Minutes of proceedings at a meeting shall be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

Treasurer.

- 16. It is the duty of the treasurer of the association to ensure that -
  - (a) all money due to the association is collected and received and that all payments authorized by the association are made;

- (b) correct books and accounts are kept showing the financial affairs of the association including full details of all receipts and expenditure connected with the activities of the association.

Casual vacancies.

17. For the purposes of this constitution, a casual vacancy in the office of a member of the committee occurs if the member -

- (a) dies;
- (b) ceases to be a member of the association;
- (c) becomes an insolvent under administration within the meaning of the Companies (New South Wales) Code;
- (d) resigns office by notice in writing given to the secretary;
- (e) is removed from office under section 18;
- (f) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
- (g) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

Removal of member.

- 18 (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) Where a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or president may send a copy of the representations to each member of the association or, if they are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

Meetings and quorum.

19. (1) The committee shall meet at least 6 times in each period of 12 months at such time and place as the committee shall determine.
- (2) Additional meetings of the committee may be convened by the president.
- (3) Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting under clause (3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the committee members present at the meeting agree to treat as urgent business.
- (5) Any 3 members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business shall be transacted by the committee unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting shall be dissolved.
- (8) At a meeting of the committee -
- (a) the president, or in the president's absence, a nominee of the Rector shall preside; or
- (b) if the president is absent or unwilling to act, and no nomination has been made by the Rector, such one of the remaining members of the committee as may be chosen by the members present at the meeting shall preside.

Delegation by committee to sub-committee.

20. (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than -
- (a) this power of delegation; and

- (b) a function which is imposed on the committee by any law.
- (2) A function which has been delegated to a sub-committee under this section may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of delegation.
- (3) A delegation under this section may be made subject to such conditions or limitations as to the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Notwithstanding any delegation under this section, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this section has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this section.
- (7) A sub-committee may meet and adjourn as it thinks proper.

#### Voting and decisions.

- 21. (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee shall be determined by a majority of the votes of the members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to section 19 (5), the committee may act notwithstanding any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or a sub-committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

#### PART IV - GENERAL MEETINGS

Annual general meetings - holding of.

22. (1) With the exception of the first annual general meeting of the association, the association shall, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.

(2) The association shall hold its first annual general meeting -

(a) within the period of 18 months after its incorporation;  
and

(b) within the period of 2 months after the expiration of the first financial year of the association.

Annual general meetings - calling of and business at.

23. (1) The annual general meeting of the association shall, subject to section 22, be convened on such date and at such time and place as the committee thinks fit.

(2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be -

(a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting;

(b) to receive from the committee reports upon the activities of the association during the last preceding financial year;

(c) to elect ordinary members of the committee;

(d) to receive and consider the audited financial statement of income and expenditure and assets and liabilities; and

(e) to elect an auditor.

(3) An annual general meeting shall be specified as such in the notice convening it.

Special general meetings - calling of.

24. (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.



- (2) The committee shall, on the requisition in writing of not less than 5 per cent of the total number of members, convene a special general meeting of the association.
- (3) A requisition of members for a special general meeting -
  - (a) shall state the purpose or purposes of the meeting;
  - (b) shall be signed by the members making the requisition;
  - (c) shall be lodged with the secretary; and
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in clause (4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the association for any expense so incurred.

#### Notice.

- 25. (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in clause (1) specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.

- (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to section 23 (2).
- (4) Any member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

#### Procedure.

- 26. (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Five members present in person (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall constitute a quorum.

#### Presiding member.

- 27. (1) The president, or in the president's absence, a nominee of the Rector, shall preside as chairperson at each general meeting of the association.
- (2) If the president is absent from a general meeting or unwilling to act, and no nomination has been made by the Rector, the members present shall elect one of their number to preside as chairperson at the meeting.

#### Adjournment.

28. (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

#### Making of decisions.

29. (1) A question arising at a general meeting of the association shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the association, a poll may be demanded by the chairperson or by not less than 3 members present in person at the meeting.
- (3) Where the poll is demanded at a general meeting, the poll shall be taken -
- (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment; or
- (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs,

and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

#### Special resolution.

30. A resolution of the association is a special resolution if it is passed by a majority which comprises not less than three-quarters

of such members of the association as, being entitled under this constitution to do so, vote in person at a general meeting of which not less than 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with this constitution.

Voting.

31. (1) Upon any question arising at a general meeting of the association a member has one vote only.
- (2) All votes shall be given personally and there shall be no voting by proxy.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson at the meeting is entitled to exercise a second or casting vote.
- (4) A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

Auditor.

32. (1) The Auditor or Auditors (being a registered company auditor) shall be elected at the Annual General Meeting.
- (2) The Auditor shall examine all accounts, vouchers, receipt books, etc. and shall furnish a report thereon to the members at the Annual General Meeting.
- (3) Audits shall be conducted at regular intervals of not more than twelve (12) months.
- (4) An Auditor shall not be a member or closely related to a member of the Management Committee.
- (5) Subject to paragraph (6) hereof notice of intention to nominate an auditor to replace the current Auditor shall be given to the Secretary at least twenty-one (21) days before the Annual General Meeting. The Secretary shall send a copy of the nomination to the current Auditor at least seven (7) days before the Annual General Meeting. The current Auditor shall be entitled to attend the Annual General Meeting.
- (6) When the current Auditor submits his resignation, or notifies the Secretary of his intention not to seek re-election as Auditor, paragraph (5) hereof shall not apply.

PART V - MISCELLANEOUS.

Insurance.

33. (1) The association shall effect and maintain adequate insurance against liability of the association arising out of an occurrence causing death or bodily injury to a person or damage to property and workers compensation insurance covering all employees.
- (2) In addition to the insurance required under clause (1), the association may effect and maintain other insurance.

Funds - source.

34. (1) The funds of the association shall be derived from entrance fees and annual subscriptions of members, donations, government subsidies and, subject to any resolution passed by the association in general meeting, such other sources as the committee determines.
- (2) All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank account.
- (3) The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

Funds - management.

35. (1) Subject to any resolution passed by the association in general meeting, the funds of the association shall be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All cheques, bills of exchange, promissory notes and other negotiable instruments shall be signed by any 2 members of the office-bearers.

Alteration of objects and constitution.

36. (1) The statement of objects and this constitution may be altered, rescinded or added to only by a special resolution of the association.
- (2) Any alteration must be ratified by the Parish Council before coming into effect.

Common seal.

37. (1) The common seal of the association shall be kept in the custody of the public officer.

(2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

Custody of books, etc.

38. Except as otherwise provided in this constitution, the public officer shall keep in his or her custody or under his or her control all records, books and other documents relating to the association.

Inspection of books, etc.

39. The records, books and other documents of the association shall be open to inspection, free of charge, by a member of the association at any reasonable hour.

Service of notices.

40. (1) For the purpose of this constitution, a notice may be served by or on behalf of the association upon any member either personally or by sending it by post to the member at the member's address shown in the register of members.

(2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purpose of this constitution to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

Surplus property.

41. (1) The association shall be wound up upon the passing of a special resolution with a three-fourths majority in favour of winding up at a special general meeting convened to consider the question

(2) In the event of the winding up of the association, all assets and funds of the association shall, after the payment of all expenses and liabilities, be handed over to an incorporated association or associations satisfying the provisions of Item 63A of the 1st. Schedule of the Sales Tax (Exemptions and Classifications) Act as a three-fourths majority of the members of the association present and voting at a special general meeting convened to consider the question may decide.

Where the association has received a government capital grant for the erection of a building the resolution must be consistent with the terms of the Agreement signed as a condition of the grant.

- (3) The incorporated association so nominated shall be one which has objects substantially similar to the association and is not carried on for the object of trading or securing pecuniary gain for its members.
- (4) Upon the passing of a special resolution providing for dissolution, the Department of Family and Community Services must be notified in writing.

#### PART VI - ADDITIONAL RULES APPLICABLE TO CHARITIES.

##### Application of Part.

- 42. This Part applies where the association is registered under or is exempted from registration by or under the Charitable Collections Act, 1934.

##### Payment, etc., of office bearers and members.

- 43. A member of the committee shall not be appointed to any salaried office of the association or any office of the association paid by fees, and no remuneration or other benefit in money or money's worth shall be given by the association to any member of the committee except -
  - (a) repayment of out-of-pocket expenses.
  - (b) interest at a rate not exceeding interest at the rate for the time being which is or would be charged by the association's bankers for money lent to the association; and
  - (c) reasonable and proper rent for premises let to the association.

##### Vacation of office.

- 44. Without limiting the operation of section 17, the office of a member of the committee shall become vacant if -
  - (a) the member holds an office of profit in the association; or
  - (b) the member is directly or indirectly interested in any contract or proposed contract with the association.

##### Surplus property.

45. (1) In addition to the requirements of section 41, a special resolution providing for the dissolution of the association must nominate a charity registered under the Charitable Collections Act, 1934, or exempted from registration by or under that Act, in which is to vest its surplus property in the event of the winding up of the association.
- (2) The charity so nominated shall be one which has objects substantially similar to the association and is not carried on for trading or securing pecuniary gain for its members.
- (3) The Parish Council must ratify the special resolutions providing for dissolution and the vesting of surplus property.

Notification of proposed alteration of sections.

46. (1) A proposed alteration of the sections or the statement of objects of the association shall be notified to the Minister administering the Charitable Collections Act, 1934, in the manner required by the regulations under that Act.
- (2) A proposed alteration must be ratified by the Parish Council before being submitted to the Minister for approval.

Compliance with Charitable Collections Act, 1934.

47. The association shall comply with such of the provisions of the Charitable Collections Act, 1934, and the regulations thereunder as are applicable to it.



APPENDIX 1.

LISMORE PARISH CENTRE PRE-SCHOOL, INC.

(Incorporated under the Anglican Church (Bodies Corporate) Act)

APPLICATION FOR MEMBERSHIP.

I/we, .....  
(full name of applicant/s)

.....  
of  
.....  
(address)

.....  
(occupation/s)

hereby apply to become member/s of the abovenamed incorporated association. In the event of my/our admission as member/s, I/we agree to be bound by the constitution of the association for the time being in force.

My/our child, .....  
is currently attending the Lismore Parish Centre Pre-school.

.....  
(Signature/s of applicant/s)

.....  
(Date)

I certify that the abovenamed child is currently attending the Lismore Parish Centre Pre-school.

.....  
(Director)

.....  
(Date)